

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **ESPERANZA DE LA CRUZ**
SSN xxx-xx-0240

CASE NO: **18-05846-MCF**

Debtor(s)

Chapter 13

- AMENDED -

TRUSTEE'S OBJECTION TO PROPOSED POST CONFIRMATION PLAN MODIFICATION UNDER SECTION 1329

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$1,025.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1329

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
Projected Disposable Income: **\$0.00**

Liquidation Value:\$0.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the Proposed "PCM": Dated **11/18/2020** (Dkt 39) **Plan Base: \$29242.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.:59.78%

The Trustee objects to confirmation for the following reasons:

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

In order to cure arrears with the Trustee Debtor filed a PCM with 2 months in 0.00. Debtor has failed to make the first payment after the 2 month in 0 period. The pending payment pertains to the month of December 2020, which became due on the 4th day of the month.

***OTHER COMMENTS / OBJECTIONS**

MMG is yet to file a claim including the post petition arrears debtor included in the plan. Such creditor will not participate from disbursements related to the post petition arrears unless a claim is filed.

Debtor and MMG's Stipulation is pending. Docket no. 49.

Pending: Motion for Relief From Stay Under 362 [e]. Filing fee: \$ 181 With Declaration under servicemember civil relief act of 2003. Collateral: MORTGAGE. Post Petition Arrears: \$2,568.32. Hearing scheduled 12/15/2020.

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or

any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response with the Clerk's Office of the U.S. District Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: December 08, 2020

/s/ Nannette Godreau, Esq.

Last Docket Verified: 49 Last Claim Verified: 5 CMC: RC